



Memphis and Shelby County Office of Planning and Development

CITY HALL 125 NORTH MID AMERICA MALL MEMPHIS, TENNESSEE 38103-2084 (901) 576-6619

APPLICATION FOR ADMINISTRATIVE DEVIATION APPROVAL (Fence and Wall Provisions)

Date: _____

Case #: _____

PLEASE TYPE OR PRINT

Name of Development: _____

Phase/Section/
Area, etc.: _____ Lot
Number: _____

Project Street Address: _____

Shelby County Tax Parcel ID#: _____

Building or Site Use: _____ Class of Work: _____ New _____ Addition

Existing Zoning District: _____

Requested Administration Deviation:

Elements (Please circle all that apply)

- **Additional fence material or additional fence height** (see UDC Sub-section 4.6.5M).
- **Fence setback** – increase up to 10% of the maximum permitted setback and up to 10% of the minimum permitted setback.

Identify the physical impracticality that warrants an Administrative Deviation:

9.21.4 Administrative Deviation Criteria

To approve an administrative deviation, the Planning Director shall make an affirmative finding that all of the following criteria are met:

Provide an explanation for the following criteria:

- A. The request for an administrative deviation does not conflict with streets, sidewalks, easements or landscape requirements.**

- B. The request for an administrative deviation does not injure or damage the use, value or enjoyment of surrounding property or hinder or prevent the development of surrounding property.**

- C. The request for an administrative deviation does not have an adverse impact on land use compatibility.**

- D. The request for an administrative deviation does not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed.**

- E. The request for an administrative deviation will not have an adverse impact on the urban form and/or the street-space.**

- F. Fences and walls must be constructed of high quality materials, such as decorative blocks, brick, stone, treated wood and wrought iron. Electrified fences, barbed wire or concertina wire fences are not permitted in a residential district. Masonry walls shall be constructed to allow the flow of water from one side of the wall to the other. Electrified fences or barbed wire is permitted in any zoning for the keeping of livestock. Barbed wire or concertina wire is permitted in an industrial district provided the barbed wire or concertina wire is located at least eight feet above the ground. Electrified fences are permitted in industrial districts. Electrified fences, barbed wire or concertina wire may be permitted in other non-residential zoning districts through the administrative deviation process (see Chapter 9.21).**

- G.** The Planning Director may permit additional fence material, additional fence height, or reduced setback through the administrative deviation process (see Chapter 9.21) if it is determined that such allowance is not contrary to the public interest and will not be injurious to the surrounding neighborhood. Factors to be considered by the Planning Director when making such an administrative deviation shall include the material, height or setback of fencing in the immediate vicinity of the subject site, the classification of the roadway abutting the subject site and the proposed use of the subject site.

Lot Owner

Of Record: _____ Phone #: _____
Mailing _____ City/ _____ Zip _____
Address: _____ State _____ Code _____
E-Mail _____ Mobile / Pager / _____
Address: _____ Fax Phone: _____

General

Contractor: _____ Phone #: _____
Mailing _____ City/ _____ Zip _____
Address: _____ State: _____ Code: _____
E-Mail _____ Mobile / Pager / _____
Address: _____ Fax Phone: _____

Surveyor: _____ Phone #: _____
Mailing _____ City/ _____ Zip _____
Address: _____ State _____ Code: _____
E-Mail _____ Mobile / Pager / _____
Address: _____ Fax Phone: _____

Engineer: _____ Phone #: _____
Mailing _____ City/ _____ Zip _____
Address: _____ State _____ Code: _____
E-Mail _____ Mobile / Pager / _____
Address: _____ Fax Phone: _____

I (we) _____, hereby make application for an Administrative Deviation as permitted by Article 9, Chapter 9.21 of the Memphis & Shelby County Unified Development Code. I (we), accept responsibility for any errors or omissions which may result in any delay of the encroachment being reviewed by the Memphis & Shelby County Office of Planning & Development. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Signature of Legal Owner of Record

Date

***ALL APPLICATIONS MUST BE SUBMITTED IN PERSON AND THE SUBMITTER MUST RECEIVE A RECEIPT OF ACCEPTANCE FROM STAFF**

**GUIDE FOR SUBMITTING
ADMINISTRATIVE DEVIATION APPLICATION**

- A **THE APPLICATION:**
Submit one copy of the Administrative Deviation application (this form). All applicable items shall be completed and legibly printed or type-written.
- B **FILING FEE:**
A non-refundable check or money order in the amount of \$100.00 payable to the M/SC Office of Planning and Development.
- C **REGISTERED LAND SURVEYOR'S SURVEY:**
One copy of a survey (of recent origin showing everything existing on the subject property at the time of filing, and in no instance can it be over one year old) of the subject property, drawn to an engineering scale by a registered land surveyor (licensed in Tennessee), on 8 ½ x 11 inches sheets. The survey must indicate the dimensions and location of all existing structure(s) and improvement(s); property dimensions and amount of land area; dimensions and location of off-street parking facilities and curb cut(s); and the established setbacks of the existing structure(s) on the site and on the adjoining properties. (Please Note: The requirements for a survey may be waived by the Planning Director.)
- D **SITE PLAN:**
One copy of a site plan of the subject property, on 8 ½ x 11 inches sheets, drawn to an engineering scale, showing property boundary lines and dimensions, existing utilities and easements, roadways, rail lines and public rights-of-way, crossing and adjacent to the subject property; the proposed height, dimensions and arrangements of buildings on the property; the type and location of landscaping proposed; the location of points of ingress to and egress (driveways), parking lots and loading areas on the site; and any proposed substantial regarding of the site and any significant topographical or physical features of the site including water courses or ponds. If the site plan is a recordable plat, sufficient space (3"x 2" rectangle area) shall be left on the plat to allow for an Administrative Deviation Certificate.
- E **OWNERS CERTIFICATE:**
A signed, notarized owner's certificate is required to be submitted on a separate 8 ½ x 11 sheet with the application. (See example above)
- F **COMPACT DISC:**
A compact disc with all submitted application documents, saved and named separately in PDF format, and any proposed conditions, saved in WORD format. In lieu of submitting a compact disc, the application documents may be sent via electronic mail in PDF/WORD format to any planner in the Land Use Controls section (see OPD website).